

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DALE HARVEY,

Petitioner,

v.

GARANN ROSE MEANS,

Respondent.

CASE NO. 2:23-cv-1712

ORDER DENYING MOTION FOR A
TEMPORARY RESTRAINING ORDER

On November 8, 2023, Petitioner Dale Harvey filed a petition seeking the return of his children to Scotland under the Civil Aspects of International Child Abduction (“Hague Convention”) and the International Child Abduction Remedies Act (“ICARA”). Dkt. No. 1. Before the Court is Harvey’s motion for a temporary restraining order (TRO), requesting that the Court issue a TRO against Respondent Garann Rose Means without notice. Dkt. No. 6.

Harvey alleges a TRO is necessary to prevent irreparable injury and to preserve the status quo, but as the Court indicated in its previous order, Harvey failed to satisfy the requirements for an ex parte TRO under Rule 65(b)(1). Dkt. No. 10. That is, Harvey has set forth insufficient facts showing that Means is an

1 immediate danger to their children, or an imminent risk to flee the jurisdiction, that
2 would justify issuing a temporary restraining order without first giving Means a
3 chance to be heard in opposition. The Court ordered Harvey to serve Means with a
4 copy of his TRO motion papers by no later than 12:00 p.m. on Tuesday, November
5 14, 2023, if he wished to pursue a temporary restraining order. *Id.* The Court's
6 deadline has now passed, and Harvey has not filed a certificate of service or
7 otherwise informed the Court that he has notified Means about his TRO motion.

8 Accordingly, the Court DENIES Harvey's TRO motion without prejudice for
9 failure to comply with Fed. R. Civ. P. 65(b)(1) and the Court's previous order. Dkt.
10 No. 10.

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12 Dated this 14th day of November, 2023.

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Jamal N. Whitehead
United States District Judge